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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92060050
Party	Defendant Ross Symons
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Submission	Answer
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Date	11/20/2014
Attachments	USPTO-DefendAction-2-signed.pdf(874784 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Cancellation No. 92060050

Registration #: 3023143 Mark: WORLD CUP STREET LUGE

Registration #: 3026975 Mark: STREET LUGE

Cellco Partnership d/b/a

Verizon Wireless

v.

Ross Symons

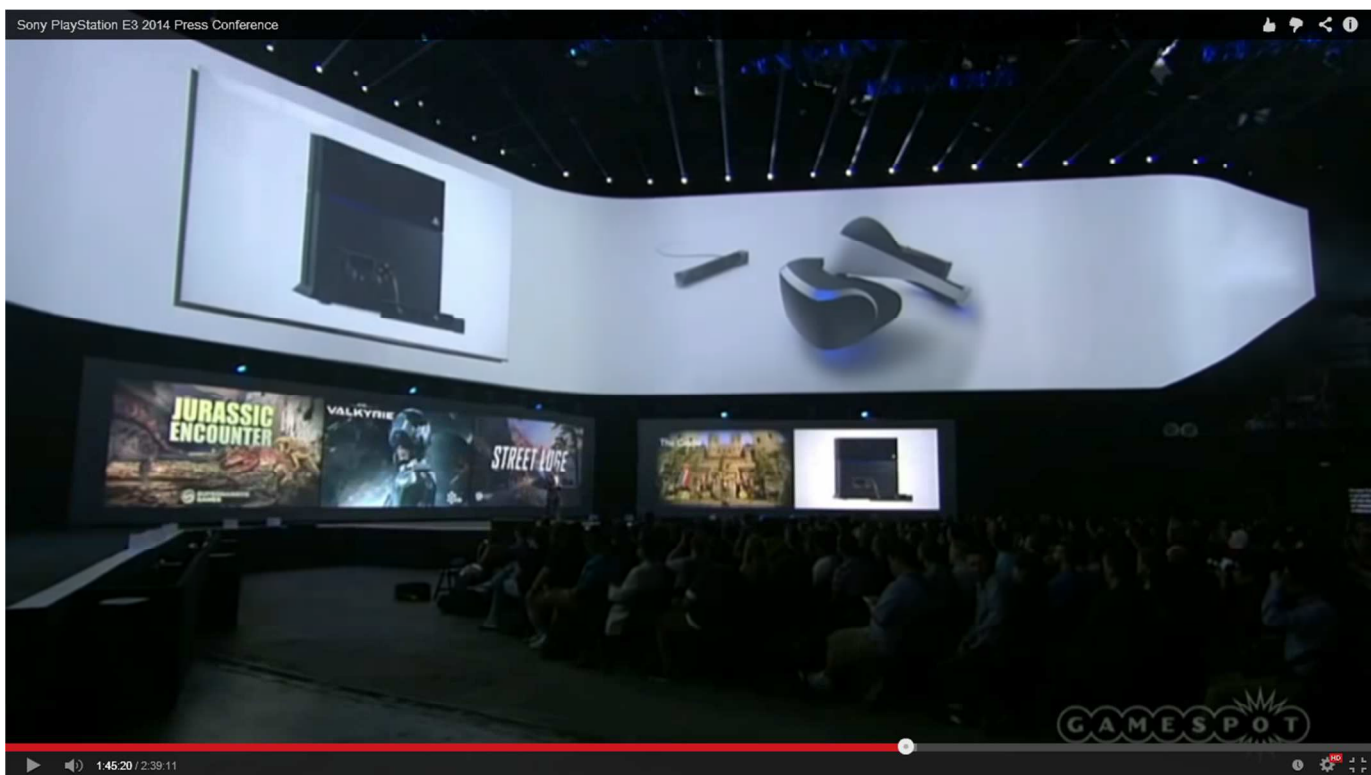
Defence of Petition for Cancellation

Ross Symons, owner of trademarks No. 3023143, 3026975 is Chief Executive Officer of Big Ant Studios Pty Ltd, a company incorporated in the State of Victoria Australia. Sony Computer Entertainment America LLC ("SCEA") is an American corporation of approximately 8,000 employees that predominantly develops and markets PlayStation Hardware and Software in the USA. Big Ant Studios Pty Ltd develops software and games in partnership with SCEA for PlayStation devices and networks for use in the USA. Big Ant Studios and SCEA have utilised trademark Registrations No. 3023143 and 3026975 under license from Ross Symons and the Marks have been in continuous and bona fide use and have not been abandoned. Ross Symons intends to defend all claims made in by CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS in Cancellation action No. 92060050.

In direct answer to the Petition filed as Trademark Cancellation No. 92060050

1. Ross Symons accepts that Verizon Wireless is a provider of communications services in the USA.
2. Ross Symons accepts that Verizon Wireless filed the Mark LUGE on 19 December 2013. Ross Symons lacks knowledge as to the claim of bona fide interest.
3. Ross Symons accepts that the United States Patent and Trademark office refused to register the Petitioner's application for the Mark LUGE. Ross Symons agrees with the decision of the United States Patent and Trademark office that there would be confusing similarity to the Marks registered numbers 3023143 and 3026975.
4. Ross Symons accepts the statement that he is the owner of Marks with registered numbers 3023143 and 3026975 registered in international Class 9.
5. Ross Symons accepts the statement that the Mark with registered number 3023143 was registered on 6 December 2005 and that the Mark with registered number 3026975 was registered on 13 December 2005.

6. Ross Symons denies the allegation that the goods described in Marks registered numbers 3023143 and 3026975 have not been marketed or sold for at least three consecutive years. Specific details of use are as follows:
- i) Ross Symons, Big Ant Studios Pty Ltd, and SCEA have been in constant development of various Video Games titled “Street Luge” and “World Cup Street Luge” since 2006.
 - ii) At the Game Developers Conferences in San Francisco of 2011, 2012, 2013 Ross Symons and Big Ant Studios Pty Ltd privately and publicly displayed their SCEA PlayStation title “Street Luge”.
 - iii) In June 2014 at E3 Expo in Los Angeles, the largest video game exhibition in the world, SCEA displayed “Street Luge” to the public. This event and use of the Trademark has been widely reported in both electronic and print media.
 - iv) At the Sony PlayStation E3 Expo Press Conference the CEO of SCEA, Andrew House, publicly displayed the “Street Luge” title as pictured below:



- v) On 19 June 2014 Conan O’Brien featured SCEA “Street Luge” on The Tonight Show to millions of viewers across TV networks in the USA. The YouTube clip of this performance of “Street Luge” (link <https://www.youtube.com/watch?v=UKuS1BxVaSk>) has had 1,360,668 views at the 20 November 2014.
7. As answered in 6. above Ross Symons denies the allegation that he has no intention to use the trademark Registrations No. 3023143 and 3026975. The Marks with Registrations No. 3023143 and 3026975 are in continuous use and have not been abandoned. Ross Symons intends to continue to use the marks with Registrations No. 3023143 and 3026975 for the foreseeable future.
8. As answered in 6. above Ross Symons denies the assertion that he is not entitled to the statutory protections and presumptions that are enabled with the Registrations No. 3023143

and 3026975. Ross Symons denies the allegation that the Registrations No. 3023143 and 3026975 are not valid.

9. Ross Symons denies that he is causing the Petitioner damage. Ross Symons asserts that as the legitimate owner of Registrations No. 3023143 and 3026975 that any use of the word "LUGE" by the Petitioner is causing damage to Ross Symons.

WHEREFORE, Ross Symons requests that Trademark Cancellation No. 92060050 be denied as the claims made as to abandonment are baseless.

Respectfully Submitted ,



Ross Symons
Chief Executive Officer

Big Ant Studios




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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Defence of Petition for Cancellation** has been served on PAUL J. REILLY of BAKER BOTTS LLP by Express Courier of said copy on 20 November 2014 to:

PAUL J REILLY
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NEW YORK, NY 10112
UNITED STATES



Ross Symons